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15 IN THE UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18
19 MILLARD W. TONG

20 Appellant,

21 v.

22 THE CALIFORNIA DEPARTMENT OF
23 INDUSTRIAL RELATIONS,

24 Appellee.

25 CASE NO. 4:17-cv-01201-HSG

26 Appeal from Bankruptcy Case No. 15-30275

27 CHAPTER 11

28 Judge Hon. Haywood S. Gilliam, Jr.

19
20 **STIPULATION FOR DELAY OF ISSUANCE OF ANY RULING, OPINION OR ORDER
PENDING APPROVAL OF SETTLEMENT MOTION AND ORDER THEREON**

21 This Stipulation (or "Agreement") is made between and among Millard W. Tong,
22 individually and as Debtor-in-Possession, herein "Debtor," and California Department of Industrial
23 Relations, Edward Kunnes and Evan Adams, herein "DIR," being the parties to the above referenced
24 appeal arising from a motion for contempt in the bankruptcy court proceedings.

25 As the results of a judicially supervised settlement conference, the Debtor and DIR have
26 entered into agreements memorialized in stipulation entitled "Stipulation for Issuance of Order for
27 Distribution of Proceeds from the Sale of 1620 Mason Street, San Francisco, CA (After BDRP
28 Mediation)" that, among other matters, settled the issues pending before this Court. However, the
settlement of these issues remain subject to the bankruptcy court authorizing Debtor and DIR's

1 agreements reached at the mediation. Debtor and DIR anticipate that the bankruptcy court will hear
2 the request for approval of the settlement on October 27, 2017. Accordingly, Debtor and DIR
3 stipulate as follows:

4 Debtor and DIR jointly request that the United States District Court, sitting as the court of
5 appeal, regarding Debtor's motion for contempt, delay the issuance of any ruling, opinion or order
6 until the parties, hereto, are able to obtain from the bankruptcy court an order regarding their request
7 for authorization of the settlement described in the Stipulation for Issuance of Order for Distribution
8 of Proceeds from the Sale of 1620 Mason Street, San Francisco, CA (After BDRP Mediation).

9 Dated: October 3, 2017

/s/ Christopher W. Frick

Christopher W. Frick
Counsel for Appellees,
CA Dept. of Industrial Relations, Edward Kunnes
and Evan Adams

13 Dated: October 3, 2017

/s/ Lawrence A. Jacobson

Lawrence A. Jacobson
Counsel for Appellant Millard Tong

17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: 10/4/2017



Hon. Haywood S. Gilliam, Jr.